

**Office of Chief Counsel
Internal Revenue Service**

memorandum

CC:LM:FS:LI:POSTF-162936-01
AJMandell

date:

to: LMSB (Financial Services) - Group 1102
Attention: Team manager, William Rogers

from: Associate Area Counsel (Financial Services: Long Island)

subject: **Form 872-P - Consent to Extend the Time to Assess Tax Attributable
to Items of a Partnership**

U.I.L. No. 6501.08-00

Issue:

Whether the Form 872-P should be changed to reflect new
organizational titles?

Facts:

The facts, as we understand them, are as follows:

Form 872-P, Consent to Extend the Time to Assess Tax
Attributable to Items of a Partnership (revised 11-1992), is
between a partnership and the District Director of Internal Revenue
or the Regional Director of Appeals. According to the form, the
person authorized to sign for the Service is the District Director
of Internal Revenue or the Regional Director of Appeals.

Form 872, Consent to Extend the Time to Assess Tax, prior to
revision, was between the taxpayer and the District Director of
Internal Revenue or the Regional Director of Appeals and also had
the person authorized to sign for the Service as the District
Director or the Regional Director of Appeals. The latest revision
to the Form 872 (January, 2001), which reflects the new
organizational titles, states that the consent is between the
taxpayer and the Commissioner of Internal Revenue, and the person
who is authorized to sign for the Service is the Division
Executive. According to the instructions for the Form 872, the
Division Executive for the Large and Mid-Size Business Division is
the Director, Field Operations for the appropriate industry.

The Form 872-P has not been updated to reflect the new

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organizational titles. Delegation Order No. 001-42 (August 21, 2000) covers the authority to execute consents fixing the period of limitation on assessments. Pursuant to the order, the territory managers and team managers are authorized to sign their names on behalf of the Director of Field Operations to all consents fixing the period of limitations on assessments. When consent agreements are executed by the delegates of the Director of Field Operations, the Director's name should be placed directly above his/her title as set forth in the order. Accordingly, for signatory authority, it would be appropriate to replace "District Director" with "Director, Field Operations". We also believe it is appropriate to change the reference of District Director on the top portion of the form to Commissioner of Internal Revenue as was done in the amended version of the Form 872.

Please note that under procedures which have been established for opinions of this type, we have referred this memorandum to the Office of Chief Counsel for review. That review might result in modifications to the conclusions herein. We will inform you of the result of the review as soon as we hear from that office, which should be in approximately 10 days. In the meantime, the conclusions reached in this memorandum should be considered to be only preliminary.

If you have any additional questions, please call the undersigned at (516) 688-1711.

JODY TANCER
Associate Area Counsel (LMSB)

By: _____
ANDREW J. MANDELL
Attorney (LMSB)